

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ESTATE OF VALERIE YOUNG, et al.,

plaintiffs,

- against -

STATE OF NEW YORK OFFICE OF MENTAL
RETARDATION AND DEVELOPMENTAL
DISABILITIES, et al.,

defendants.

ECF Case

Case No.: 07-CV-06241 (LAK)

**DECLARATION OF JONATHAN
BAUER, ESQ.**

JONATHAN BAUER, an attorney admitted to practice before the Courts of the State of New York and this Court, certifies pursuant to 28 USC §1746 and under penalty of perjury, that the following is true and correct:

1. I am co-counsel for plaintiffs together with the Catafago Law Firm, P.C. I make this Declaration of my personal knowledge of this action and my review of the records and documents of this case. I submit this Declaration in support of this Motion for Sanctions.

2. I am also the attorney for plaintiff in the matter of *Cosentino v. New York State Office of Mental Retardation, et al.*¹ 04-CV-04159-AKH pending before the Hon. Hellerstein, J. in this Court.

3. In *Cosentino* the defendants produced thousands of pages of log books consisting of 15-minute checks.

¹ Defendants herein Peter Uschakow and Suresh Arya were also named as defendants in *Cosentino* both personally and in their official capacities. Defendant Williamson named herein is technically an official capacity defendant in *Cosentino* as well because the action seeks an injunction and defendant Arya was replaced by defendant Williamson as Deputy Director.

4. I located and examined 15-minute checks log books in *Cosentino* for a time period intersecting with the time period at question in the instant case.

5. The 15-minute checks log books in *Cosentino* for the period November 7, 2004 through January 14, 2005 filled a book of three hundred and three (303) pages. This document was produced Bates numbered D16801 through D17101 (including the covers).

6. The 15-minute checks log books in *Cosentino* for the period January 15, 2005 through March 19, 2005 filled a book of two hundred and ninety-eight (298) pages. This document was produced Bates numbered D3762 through D4067 (including covers).

Dated: May 13, 2008

Respectfully Submitted,

s/

Jonathan Bauer